

Prob 12B

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION  
WITH CONSENT OF THE OFFENDER**  
*(Probation Form 49, Waiver of Hearing, is on file)*

**Offender Name:** Maximiano Barrera III

**Docket Number:** 1:02CR05094-05

**Offender Address:** Modesto, California

**Judicial Officer:** Honorable Robert E. Coyle  
Senior United States District Judge  
Fresno, California

**Original Sentence Date:** 04/14/2003

**Original Offense:** 21 USC 841(a)(1) and 18 USC 2 - Distribution of  
Cocaine Base and Aiding and Abetting  
(CLASS A FELONIES)

**Original Sentence:** 37 months custody of the Bureau of Prisons; 60 months  
supervised release; \$100 special assessment

**Special Conditions:** Submit to search; Provide probation officer with access  
to any requested financial information; Participate in a  
correctional treatment program to obtain assistance for  
drug or alcohol use; Participate in a program of testing;  
Defendant shall not possess or have access to any  
paging device or cellular phone without the permission  
of the probation officer and shall provide all billing  
records for such devices; Participate in a program of  
mental health counseling; Participate in a co-payment  
plan for treatment or testing; Defendant shall register as  
a drug offender.

**Type of Supervision:** Supervised release

**Supervision Commenced:** 10/15/2004

**Assistant U.S. Attorney:** Kathleen A. Servatius **Telephone:** (559) 497-4000

**Defense Attorney:** John Garland **Telephone:** (559) 497-6132

**Other Court Action:** None

**FILED**  
NOV 15 2006  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY W  
DEPUTY CLERK

**RE: Maximiano Barrera III**  
**Docket Number: 1:02CR05094-05**  
**PETITION TO MODIFY THE CONDITIONS OR TERM**  
**OF SUPERVISION WITH CONSENT OF THE OFFENDER**

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**PETITIONING THE COURT**

**To modify the conditions of supervision as follows:**

1. The defendant shall abstain from the use of alcoholic beverages and shall not frequent those places where alcohol is the chief item of sale.
2. The defendant shall comply with the conditions of home detention for a period of 30 days to commence when directed by the probation officer. During this time, the defendant will remain at his place of residence except for employment or other activities approved in advance by the defendant's probation officer. The defendant shall maintain telephone service at his place of residence without an answering device, call forwarding, a modem, caller ID, call waiting, or a cordless telephone for the above period.

**Justification:** On August 18, 2005, Mr. Barrera was convicted of a violation of California Vehicle Code Section 23152(a), Driving Under the Influence of Alcohol, a misdemeanor. He was sentenced to 36 months informal probation with 2 days jail and a \$1,500 fine. On October 17, 2005, the offender was convicted of violations of California Vehicle Code Sections 23152(a), Driving Under the Influence of Alcohol, a misdemeanor, and 14602.5(a), Driving While Privilege Was Suspended/Revoked Due to Excessive Blood Alcohol, a misdemeanor. He was sentenced in this matter to 36 months informal probation with 20 days jail and a \$2,500 fine.

Mr. Barrera has completed his jail sentences, is attending the Level II Drinking Drivers Program, and is making payments towards his fine obligations. As a result of his actions in the above-noted criminal matters, the offender was returned to drug aftercare treatment and testing, in which he continues to participate. In addition, Mr. Barrera has been attending ongoing mental health treatment. Mr. Barrera is in agreement with the requested modification of his conditions of supervision, and has voluntarily signed a Probation Form

**RE: Maximiano Barrera III**  
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**PETITION TO MODIFY THE CONDITIONS OR TERM**  
**OF SUPERVISION WITH CONSENT OF THE OFFENDER**

49, Waiver of Hearing to Modify the Conditions of Supervised Release, to add the above-noted conditions.

Respectfully submitted,

/s/ Sandra K. Dash

**SANDRA K. DASH**  
**United States Probation Officer**  
Telephone: (209) 549-2817

**DATED:** October 18, 2006  
Modesto, California  
SKD:lr

**REVIEWED BY:** /s/ Deborah A. Spencer  
**DEBORAH A. SPENCER**  
**Supervising United States Probation Officer**

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**THE COURT ORDERS:**

- ☒ Modification approved as recommended.
- ☐ Modification not approved at this time. Probation Officer to contact Court.
- ☐ Other:

10-18-06  
**Date**

  
**Signature of Judicial Officer**

cc: United States Probation  
Kathleen A. Servatius, Assistant United States Attorney  
John Garland, Defense Counsel  
Defendant  
Court File